

Remarks/Arguments

Reconsideration is respectfully requested. Claims 1-20 are pending. Claims 1-20 are rejected. Claims 1, 2, 6, 7, 10, 11, 12, and 20 are amended.

For the reasons set forth below, Applicants respectfully submit that all pending claims are allowable.

I. Rejections under 35 U.S.C. §101

Claims 1-11 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. See Office Action page 2.

In view of the amendments made above, Applicants respectfully request the Examiner withdraw the rejections under 35 USC 101.

II. Obviousness Rejections

Claims 1-20 are rejected under 35 USC 103(a) as being unpatentable by US Publication No. 2005/0102188 (Hutchinson, et al.), in view of US Publication No. 2002/0082994 (Herziger), and further in view of US Patent No. 6,282,523 (Tedesco, et al.). See Office Action page 4.

At least for the same reasons set forth in Applicants' prior responses which are renewed herein, Applicants traverse the Examiner's rejections and respectfully submit that the pending claims are allowable over the proposed combination of references.

Notwithstanding, **claim 1** is now directed to a combination including receiving over a data network account application information including a bank account information; transferring over the data network depositing at least one randomly generated deposit amount to the bank account corresponding to the received bank account information; receiving over the data network a deposit verification amount; comparing using a controller the received deposit verification amount with the deposited at least one deposit amount; and generating using the controller a financial account corresponding to the received account application information, where the financial

account is electronically linked to the bank account; wherein a balance amount of the bank account is periodically verified to confirm that the balance amount is equal to or greater than an outstanding balance amount of the financial account. **Claim 12** is now directed to a combination including a data network; a user terminal operatively coupled to said data network configured to transmit and receive data therefrom; a server terminal operatively coupled to said data network, said server terminal further configured to: receive account application information including a bank account information from said user terminal; deposit at least one deposit amount to the bank account corresponding to the received bank account information; receive a deposit verification amount from said user terminal; compare the received deposit verification amount with the deposited at least one deposit amount; and generate a financial account corresponding to the received account application information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank account; wherein a balance amount of the bank account is periodically verified to confirm that the balance amount is equal to or greater than an outstanding balance amount of the financial account. **Claim 20** is now directed to a combination including receiving account application information including a bank account information; depositing at least one randomly generated deposit amount to the bank account corresponding to the received bank account information; receiving a deposit verification amount; comparing the received deposit verification amount with the deposited at least one deposit amount; and generating a financial account corresponding to the received account application information only when the compared deposit verification amount matches the at least one deposit amount, where the financial account is electronically linked to the bank account; wherein a balance amount of the bank account is periodically verified to confirm that the balance amount is equal to or greater than an outstanding balance amount of the financial account.

As understood, none of the cited references alone or in combination disclose or otherwise suggest the claimed combinations as set forth above in independent claims 1, 12, and 20.

Amendment to the claims set forth above are made for the sole purpose of advancing the prosecution of the present application and are not intended as acquiescence to the propriety of the Examiner's rejections. To this end, Applicants herein expressly reserve the right to pursue one or more claims of similar or broader scope prior to the amendment set forth herein in one or more continuing applications.

Support for the amendments made herein can be found throughout the application as filed, for example, but not limited to, including paragraphs [0047] and [0050] of corresponding published application no. US-2005/0055296-A1. No new matter is added.

In view of the above, Applicants respectfully submit that claims 1, 12, and 20, and claims 2-11 and 13-19 dependent therefrom, are allowable.

No Disclaimers Or Disavowals

Amendments to and/or cancellations of the claims are being made without prejudice and solely to clarify issues before the Examiner and/or to advance prosecution of this application and are not intended as a disavowal of any subject matter and do not constitute an agreement or acquiescence to any objection and/or rejection. Accordingly, by this response Applicants do not concede that previously pending claims are not patentable.

Applicants reserve the right to pursue claims to any subject matter supported by the disclosure of this application in one or more continuation and/or divisional applications at a later time, including the subject matter of any pre-amended and/or cancelled claims, including broader and narrower claims, and including any subject matter found to be disclaimed herein or by any prior prosecution (should such subject matter be found to be disclaimed despite Applicants' statement herein of no such disclaimer). Accordingly, Applicants do not make any disclaimers or disavowals of any subject matter supported by the present disclosure.

Applicants' silence with regard to the Examiner's rejections of and/or objections to certain dependent claims constitutes a recognition by Applicants that the rejections and/or objections are moot based on Applicants' amendment or remarks relative to the independent claim from which the dependent claims depend. Such silence does not constitute an acquiescence to any of the Examiner's objections and/or rejections, and Applicants reserve the right to argue the patentability of such dependent claims at any appropriate time.

Remarks and/or amendments, or a lack of remarks and/or amendments, are not intended to constitute, and should not be construed as, an acquiescence, on the part of Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in

this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In view of the foregoing, Applicants respectfully submit that all pending claims are allowable, and request the Examiner's early examination of the pending claims in the present application. In the event that the Examiner deems a telephonic or in person discussion would be helpful in advancing the prosecution of the present application, Applicants respectfully request the Examiner to contact Applicants' representative at (510) 652-6418, x82.

Respectfully submitted,
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